



MENOMINEE INDIAN TRIBE OF WISCONSIN

P. O. Box 910
Keshena, WI 54135-0910

**REGULAR MEETING
OF THE
MENOMINEE TRIBAL LEGISLATURE**
(WE ENCOURAGE TRIBAL ATTENDANCE)

THURSDAY
AUGUST 16, 2012
TRIBAL OFFICE BOARDROOM
KESHENA, WI 54135
5:00 P.M.

AGENDA

1. Call to Order – Roll Call.
2. Menominee Prayer.
3. Public Comment Period.
4. Appointment to Community Funding Panel.
5. MOA – Menominee Language and Culture Commission and Mawaw Ceseneyah.
6. Menominee Conservation Commission recommendation dated July 16, 2012:
2012-2015 Hunting and Fishing regulations.
7. MTL CMN Collaboration Proposals (UW-Extension, Library, and Head start).
8. Bid recommendation: Parking Lots Project.
9. Bid recommendation: Bear Trap – West Branch Roads.
10. Smithsonian National Museum of the American Indian donation request.
11. Resolution No. 12-45 Disbursement of Unclaimed Per Capita Judgment Funds.
12. Resolution No. 12-46 In Support of U.S. Fish and Wildlife Service Tribal Wildlife Grants Application FY 2013.
13. Resolution No. 12-47 Enrollment Approval (October – December 2011).
14. Resolution No. 12-48 Enrollment Approval (January – March 2012).
15. Resolution No. 12-49 Enrollment Approval (April – June 2012).
16. Resolution No. 12-50 Descendant Register (October – December 2011).
17. Resolution No. 12-51 Descendant Register (January – March 2012).
18. Resolution No. 12-52 Descendant Register (April – June 2012).
19. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.
20. 10-Day Waiver Request(s).
21. Management Team Reports.
22. Travel Authorization Requests.
23. 1st Consideration amendment to Ordinance 11-37 FY 2012 Menominee Tribal Clinic 3rd Party Revenue Appropriations.
24. 1st consideration Ordinance 12-23 Timber Trespass.
25. 1st consideration Ordinance 12-24 Amendment to Code Chapter 132 Law Enforcement.
26. Final approval amendment to Ordinance 11-27 Amendment to FY 2012 Restricted Use Budget.
27. Final approval amendment to Ordinance 11-30 cancelling Recreational lease.
28. Final Approval Ordinance 12-22 Recreational leases.
29. Legislative goals update.
30. Time on task recommendations.
31. *As per LRP 5.03 – EXECUTIVE SESSION:* (A) Legal: 1) and 2) (B) Personnel & (C) Gaming – 1) Kenosha Project.
32. Adjournment.

A handwritten signature in blue ink, appearing to read "Craig Corn", is written over a horizontal line.

Craig Corn, Tribal Chairman

MENOMINEE INDIAN TRIBE OF WISCONSIN

ITEM #23



MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
AMENDMENT TO ORDINANCE NO. 11-37

**FISCAL YEAR 2012 MENOMINEE TRIBAL CLINIC THIRD-PARTY REVENUE
APPROPRIATIONS**

FIRST CONSIDERATION

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

- 1. TITLE.** This amendment adds supplemental appropriations of \$700,000 to the Fiscal Year 2012 Menominee Tribal Clinic Third-Party Revenue Appropriations budget to provide an additional \$200,000 for Contract Health Services deferred care and \$500,000 for Indirect Cost shortfall payback to the Tribe in accordance with the Business Operations Plan approved by the Legislature on August 2, 2012. This amendment increases the Menominee Tribal Clinic Third-Party Revenue Appropriations budget from \$5,887,918 to \$6,587,918.
- 2. AMENDMENT.** The tabular summary of anticipated fund revenues and expenditures, which was attached to and made a part of Menominee Tribal Ordinance No. 11-37, entitled "Fiscal Year 2012 Menominee Tribal Clinic Third-Party Revenue Appropriations", is hereby replaced in its entirety with the attached revision. All other terms, conditions, and provisions of Ordinance No. 11-37 are unchanged and unaffected by this amendment.
- 3. EFFECTIVE DATE.** This amendment shall become effective immediately upon final approval by the Menominee Tribal Legislature.

CERTIFICATION

The undersigned officers of the Menominee Tribal Legislature do hereby certify that the foregoing amendment to Ordinance No. 11-37 was duly _____ at a regular meeting of the Menominee Tribal Legislature held on August 16, 2012, by a vote of ____ for, ____ opposed, ____ abstentions, and ____ absent.

The undersigned also certify that the above-amended Ordinance has been posted in accordance with the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin.

CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN

Date: August 16, 2012

ORMAN WAUKAU JR., SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN

**Menominee Indian Tribe of Wisconsin
FY2012 Menominee Tribal Clinic Third-Party Revenue Appropriations
(Rev. 06 Aug 2012)**

EXPENSE

No.	Line Item	FY2011 Revised Budget	FY2012 Initial Budget 03 Nov 2011	Amend. #1 Inc./(Dec.) 06 Aug 12	FY2012 Revised Budget	Justification/Recommendations/Comments
1	Salaries	\$ 2,132,837	\$ 2,206,013	\$ -	\$ 2,206,013	
2	Fringe Benefits	881,854	877,700		877,700	
3	Mileage	10,100	12,400		12,400	
4	Training & Related	72,500	75,900		75,900	
5	Transportation	-	154,119		154,119	
6	Recruitment & Relocation	6,000	6,000		6,000	
7	Office Supplies	2,950	3,950		3,950	
8	Program Supplies	488,717	529,082		529,082	
9	Postage	2,000	1,977		1,977	
10	Photocopies	1,100	1,400		1,400	
11	License & Permits	8,030	8,030		8,030	
12	Cell Phones/Pagers	700	700		700	
13	Administrative Expense	12,600	12,500		12,500	
14	Advertising	3,000	3,000		3,000	
15	Accreditation Fees	5,000	5,000		5,000	
16	Dues & Memberships	17,000	17,000		17,000	
17	Space Rent	3,874	3,874		3,874	
18	Equipment Lease	1,500	1,500		1,500	
19	Minor Equipment	10,000	18,321		18,321	
20	Malpractice Long-Term Disability Insurance	75,500	65,500		65,500	
21	Property Insurance	28,804	30,000		30,000	
22	Vehicle Insurance	4,900	5,300		5,300	
23	Building Maintenance	-	30,000		30,000	
24	Equipment Repair Maintenance	125,150	123,450		123,450	
25	Vehicle Cost	11,000	9,000		9,000	
26	Vehicle Fuel	-	2,000		2,000	
27	Donations	-	5,223		5,223	
28	Employee Recognition	5,000	5,000		5,000	
29	Student Grants	3,000	3,000		3,000	
30	Intervention	16,000	16,000		16,000	
31	Contact Lens	2,000	2,000		2,000	

**Menominee Indian Tribe of Wisconsin
FY2012 Menominee Tribal Clinic Third-Party Revenue Appropriations
(Rev. 06 Aug 2012)**

EXPENSE

No.	Line Item	FY2011 Revised Budget	FY2012 Initial Budget 03 Nov 2011	Amend. #1 Inc./Dec.) 06 Aug 12	FY2012 Revised Budget	Justification/Recommendations/Comments
32	Deferred Dental Expenses	-	40,000	50,000	90,000	
33	Deferred Medical Expenses	300,000	260,000	150,000	410,000	
34	Contractual Services	269,400	480,857		480,857	
35	Deferred Compensation	79,500	94,500		94,500	
36	Equipment	100,000	300,000		300,000	
37	Contingency	-	20,000		20,000	
38	Indirect Costs	490,062	457,622	500,000	957,622	Increase is due to the payback of IDC shortfall to Tribe per the approved Business Operations Plan
39	Cash Match EMS ARRA 2124	52,652	-		-	
40	Cash Match Supplement	146,362	-		-	
41	Other Expenses:				-	
42	Donations	5,223	-		-	
43	Contractual Services	110,000	-		-	
44	Contingency	20,000	-		-	
45	Indirect Costs	20,502	-		-	
46	Cash Match 4203 MCH Reprod. Health	14,000	-		-	
	SELECTED TOTALS ➡	\$ 5,538,817	\$ 5,887,918	\$ 700,000	\$ 6,587,918	

**Menominee Indian Tribe of Wisconsin
FY2012 Menominee Tribal Clinic Third-Party Revenue Appropriations
(Rev. 06 Aug 2012)**

REVENUE

No.	Branch/Department/Program/Activity	FY2011 Revenue	FY2012 Revenue 04 Nov 11	Amend. #1 Inc./Dec.) 06 Aug 12	FY2012 Revised Budget	Justification/Recommendations/Comments
1	Clinic Third-Party Revenue	\$ 5,369,092	\$ 5,877,918	\$ 700,000	\$6,577,918	Increase per the approved Business Operations Plan
SELECTED TOTALS ➔		\$ 5,369,092	\$ 5,877,918	\$ 700,000	\$6,577,918	

SUPPLEMENTAL REVENUES

1	Clinic Third-Party Interest	\$ 169,725	\$ 10,000	\$ -	\$ 10,000	
SELECTED TOTALS ➔		\$ 169,725	\$ 10,000	\$ -	\$ 10,000	
COMBINED TOTALS ➔		\$ 5,538,817	\$ 5,887,918	\$ 700,000	\$6,587,918	

ITEM #24



MEMORANDUM

To: Menominee Tribal Legislature
From: Joshua Rees, Assistant Tribal Attorney
Date: August 9, 2012
Re: First Consideration of Ordinance 12-___ Timber Trespass

Please find, for first consideration, the attached clean copy of Tribal Ordinance No. 12-___ "Timber Trespass." As it is a new ordinance there is no redlined version. Also it may be helpful for a brief overview of the ordinance.

This ordinance has been developed over time through a workgroup consisting of Joan Delabreau (prior to her election as a legislator), Walter Cox and Chris Caldwell. It was presented to the ERP Committee which approved it and has sent it to the Legislature for approval.

The general purpose of the ordinance is to prevent unauthorized cutting of timber or trees on reservation lands. If one cuts timber or trees without authorization he/she will be assessed damages, fined not more than \$1000, and/or imprisoned not more than 180 days. Also, a person who acquires illegally cut timber or trees will be assessed damages.

Hopefully this overview proves helpful. If you have any further questions about this ordinance, do not hesitate to call.



**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
ORDINANCE No. 12-23
TIMBER TRESPASS**

FIRST CONSIDERATION

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance No. 12-23 "Timber Trespass," is hereby enacted as tribal law pursuant to the following attachment attached hereto and incorporated herein as if fully reproduced here.

CERTIFICATION

We, the undersigned of the Menominee Tribal Legislature, do hereby certify that the foregoing Tribal Ordinance No. 12-23 "Timber Trespass," was _____ for first reading and sent to public hearing at a regular meeting of the Menominee Tribal Legislature held on August 16, 2012, at which a quorum was present, by a vote of ____ for, ____ opposed, ____ abstentions, and ____ absent. The undersigned also certify that the foregoing Ordinance has been posted in accordance with the Menominee Constitution and Bylaws.

**CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**

**ORMAN WAUKAU, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE: August 16, 2012

MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE

ORDINANCE NO. 12-__

TIMBER TRESPASS

PURPOSE: To prevent the unauthorized cutting and removing of timber for personal or commercial use by any persons, with in the exterior boundaries of the Menominee Indian Reservation, and subject to the jurisdiction of the Menominee Indian Tribe of Wisconsin.

INCLUSION IN CODE: The Timber Trespass Ordinance shall hereby be included in the Code of the Menominee Indian Tribe of Wisconsin and renumbered accordingly so as to fit within the structure of the present code.

SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following terms shall mean:

- 1.01. "Commercial" means exchanging, buying or selling timber.
- 1.02. "Menominee Tribal Enterprises (MTE)" means the entity created by the Management Plan, one of the Restoration documents approved April 22, 1975.
- 1.03. "Menominee Lands" Means all lands subject to the jurisdiction of the Tribe.
- 1.04. "Person" means any enrolled member of the Menominee Indian Tribe of Wisconsin, or any other State or Federally recognized Tribe.
- 1.05. "Timber" means and includes trees, saplings, bushes, seedlings, and sprouts from which trees may grow, of every size, nature, kind and description. The term includes trees that will produce forest products of value, whether standing or down, and including but not limited to logs, bolts, pulpwood, poletimber, cordwood, and lumber.
- 1.06. "Tree" means a woody perennial plant, typically large and with a well-defined stem or stems carrying a more or less definite crown.
- 1.07. "Tribe" means the Menominee Indian Tribe of Wisconsin, acting through its duly constituted governing body, the Tribal Legislature.

SECTION 2. ENFORCEMENT.

2.01. This Ordinance shall be enforced by any duly authorized law enforcement officer under the jurisdiction of the Menominee Indian Tribe of Wisconsin.

2.02. Any duly authorized judge of the Menominee Tribal Court may issue a search warrant, upon a showing of probable cause that an offense has been committed, to search for and seize any timber, and any equipment that may have been used in violation of this Ordinance.

2.03. The Tribe may take possession of any timber hereafter unlawfully cut upon or taken from any land subject to the jurisdiction of the Tribe. When any timber so unlawfully cut has been intermingled with any other timber or property so that it cannot be identified or plainly separated therefrom, the Tribe and/or MTE may so seize and sell the whole quantity so intermingled and, in such case, the whole quantity of such timber shall be conclusively presumed to have been unlawfully taken from land subject to the jurisdiction of the Tribe.

SECTION 3. VIOLATIONS.

3.01. Whoever unlawfully cuts, removes, transports, carries away, conceals, or converts to personal use any timber upon any land subject to the jurisdiction of the Tribe, shall be assessed damages and fined not more than \$1,000, and/or imprisoned not more than 180 days. Whether the trespass was intentional or unintentional, damages include treble stumpage, costs associated with damage land and/ or resources, costs associated with the enforcement of the regulations, and interest.

3.02. Whoever unlawfully cuts and/or wantonly injures and/or destroys any tree growing, standing, or being upon any land subject to the jurisdiction of the Tribe, shall be assessed damages and fined not more than \$1,000, and/or imprisoned not more than 180 days. Whether the trespass was intentional or unintentional, damages include treble stumpage, costs associated with damage land and/ or resources, costs associated with the enforcement of the regulations, and interest.

3.03. Any person found to have acquired possession in any manner of any timber unlawfully cut on lands subject to the jurisdiction of the Tribe, shall be liable to the Tribe for damages. Whether the possession was intentional or unintentional, damages include treble stumpage, costs associated with damage land and/ or resources, costs associated with the enforcement of the regulations, and interest.

SECTION 4. SOVEREIGN IMMUNITY.

4.01. Noting herein shall be construed as a waiver of sovereign immunity of the Tribe or the MTE for any claim or cause of action for monetary damages or equitable relief.

SECTION 5. STATUTE OF LIMITATIONS.

5.01. There shall be no time period for bringing criminal actions when the action is brought by the Tribe for trespass upon any Menominee lands, or for violating any of the terms of this Ordinance.

SECTION 6. SEVERABILITY.

6.01. If any provision of this Ordinance or its application to any person or set of circumstances is held invalid, the remainder of the Ordinance or its application to other person or circumstances shall not be affected.

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 – 4:00 PM
TRIBAL OFFICE BOARDROOM**

ACTION

Motion made by Bruce Pecore to approve the Extradition document without deletions and send to the Legislature for approval. Second was by Joshua Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 1 abstention (Miller) and 2 absent (Besaw and Mahkimetas.

Motion made by Walter Cox to move the Draft Timber Trespass Ordinance to the Legislature for approval. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).



MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 910
Keshena, WI 54135-0910

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 - 4:00 P.M.
TRIBAL OFFICE BOARDROOM**

AGENDA

1. Call to Order & Roll Call: Chairman Gary Besaw, Bruce Pecore, Bryan "Sid" Lepscier, Joseph Martin, Walter Cox, Lynnette Miller, Nolan Mahkimetas, Joshua Pyatskowit and Douglas Cox.
2. Moment of Silence.
3. Approval of Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012.
4. Fireworks - Public Hearing Concerns: Discussion/Recommendations.
5. Draft Ordinance 12-__ Parking Regulations: Discussion/ Recommendations.
6. Extradition – Update from Prosecutor's Office: Discussion/Recommendations.
7. Zoning Regulations – Update from Community Development Committee meeting: Discussion/ Recommendations.
8. Amendment to Ordinance 81-08 Firewood: Discussion/Recommendations.
9. Draft Timber Trespass Ordinance: Discussion/ Recommendations.
10. Chapter 321 – Amendments to Firearms Ordinance Regarding Carrying Concealed Weapons Law: Discussion/Recommendations.
11. Motor Vehicle Code - Update from Legal: Discussion/Recommendations.
12. Monthly Narratives.
13. Community Meetings Concerns.
14. Other Business.
15. Adjournment.

Gary Besaw / rg

Gary Besaw, Chairman
Enforcement & Resource Protection Committee

cc: Chairman Gary Besaw, Bruce Pecore, Bryan "Sid" Lepscier, Joseph Martin, Walter Cox, Lynnette Miller, Nolan Mahkimetas, Joshua Pyatskowit, Douglas Cox, vacant (HS), Tribal Administrator's Office and IT

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 – 4:00 PM
TRIBAL OFFICE BOARDROOM**

1. Call to Order and Roll Call.

Vice-Chairman Douglas Cox called the meeting to order at 4:00 p.m. Roll call was taken with a quorum present. **MEMBERS PRESENT:** Douglas Cox, Joshua Pyatskowit, Walter Cox, Lynnette Miller, Joseph Martin, Chairman Craig Corn (present for quorum purpose), Bryan “Sid” Lepscier (late) and Bruce Pecore (late). **MEMBERS ABSENT:** Gary Besaw (excused) and Nolan Mahkimetas (unexcused). **ALSO PRESENT:** Attorney Joshua Rees, Diana Taubel (Licensing & Permits), Robin Perez (Housing), George Korn and Ronnann Guzman (Recorder).

2. Moment of Silence.

A moment of silence was observed.

3. Approval of Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012.

Motion made by Walter Cox to approve the Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012 with corrections. Second was by Craig Corn. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 2 abstentions (Martin and Miller) and 4 absent (Besaw, Lepscier, Mahkimetas and Pecore).

One correction was noted, change “site” to “cite” on #8, 2nd paragraph.

4. Fireworks – Public Hearing Concerns.

*Note – Bryan “Sid” Lepscier entered the meeting at 4:10 p.m., Craig Corn was excused.

The committee was not sure where this agenda item stands at the moment because it did go for public comment and apparently it was sent back to the ERP committee. The committee did not receive a formal motion. Douglas Cox stated he was not comfortable moving forward without being clear on this; the committee agreed.

Motion made by Lynnette Miller to table Fireworks until the committee receives special direction. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Pecore).

5. Draft Ordinance 12-__ Parking Regulations.

This item was already sent to the Legislature for approval. The recorder apologized for not removing it from the agenda.

6. Extradition – Update from Prosecutor’s Office.

*Note – Bruce Pecore entered the meeting at 4:18 p.m.

Joseph Martin gave a verbal update and also handed out 2 revised documents of sections to the Extradition Ordinance. One document was with changes and the other was without deletions.

Motion made by Bruce Pecore to approve the Extradition document without deletions and send to the Legislature for approval. Second was by Joshua Pyatskowitz. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 1 abstention (Miller) and 2 absent (Besaw and Mahkimetas).

*Lynnette Miller qualified her abstention as she would have like the information in the packet so she would have had time to review it.

7. Zoning Regulations – Update from Community Development Committee meeting.

Douglas Cox gave an update on the verbal presentation that he did at the Community Development meeting. He stated the Community Development Committee will be working with Wayne Wilber specifically on the Zoning permitting process.

8. Amendment to Ordinance 81-08 Firewood.

Attorney Rees did a fact sheet for the committee for their review. Douglas Cox advised that the committee should move forward with a public meeting for questions from tribal members. Committee also discussed who would be issuing the permits, the Conservation Department or Licensing and Permits. This could be a question for the public meeting for suggestions. Bruce Pecore also suggested doing a 2 or 3 year permit.

Attorney Rees asked the committee about an effective date, it will have to be changed in the ordinance as well.

Lynnette Miller suggested that the public hearing should be advertised for a good 30 days because this will affect a lot of people around here. The committee agreed that it should be advertised in the tribal news as well as the tribal website.

Motion made by Bruce Pecore to schedule a public meeting on Monday August 27, 2012 at 5:00 p.m. regarding Ordinance 81-08 Firewood at a location to be determined. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Robin Perez requested the information be sent to her so Housing can do a mailing to all of their tenants.

9. Draft Timber Trespass Ordinance.

*Note – Lynnette Miller stepped out of the meeting at 4:53 p.m.

The committee did the final review on this Ordinance and agreed that this is ready to go to the Legislature for approval.

Motion made by Walter Cox to move the Draft Timber Trespass Ordinance to the Legislature for approval. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).

10. Chapter 321 – Amendments to Firearms Ordinance Regarding Carrying Concealed Weapons Law.

Douglas Cox stated that the committee is waiting for the Prosecutor to submit requested materials.

Motion made by Bruce Pecore to table agenda item #10. Second was by Joshua Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).

*Note – Lynnette Miller returned to the meeting at 4:58 p.m.

11. Motor Vehicle Code – Update from Legal.

Attorney Rees advised the committee that the legal opinion drafted by the previous attorney had been neither accepted nor rejected so the Legislature had to do that first and then release it to the ERP committee. He also stated this should be discussed in executive session at the next ERP meeting. The committee agreed.

12. Monthly Narratives.

Licensing & Permits

The committee had no questions on this report.

Conservation

Douglas Cox asked Walter Cox if the motion regarding the Biologist position go in along with the budget as a recommendation. Walter Cox advised him yes and it will go to the Budget & Finance committee the next day.

Environmental Services

Douglas Cox asked Joshua Pyatskowitz if there had been an inspection done at the War Bonnet yet. Mr. Pyatskowitz advised him there was one done in March.

Tax Commissioner

The committee had no questions on this report.

There were no monthly narrative reports submitted from the following:

Law Enforcement
Probation & Parole
Prosecutor
Gaming – submits every other month

Motion made by Joseph Martin to approve the monthly narratives. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Bruce Pecore informed Joseph Martin that the committee really needs the monthly narrative from his office. Mr. Martin advised the committee that his office has a really outdated system. Mr. Pecore asked him if there was a way to do an excel format so we will at least have something because this is a big issue with a lot of questions to be answered. Mr. Pecore advised that we have been requesting and waiting on these for a long time. Mr. Martin stated he had talked to the previously Chief about getting electronic information sent to them to start with but that never happened. He also advised he will look into what he can do.

13. Community Meeting Concerns.

Douglas Cox stated he did not see anything referred to this committee from the minutes.

14. Other Business.

Large Boats on Legend Lake

Chief Lepscier advised the committee that the LLA advised him that they are having problems with large boats on Legend Lake. There were some (county) board members that are looking at drafting an ordinance regarding weight limits with these large boats. They asked that the tribe draft an ordinance as well. Douglas Cox stated he thought the tribes boating ordinance was coming back to the ERP committee so it will be a perfect opportunity to look at this.

Exclusion and Removal

Douglas Cox suggested this be put back on the agenda because the town hall meeting was held and he thought the intent of Exclusion and Removal was to develop a process that supported the constitutional ability now of the Legislature to remove people, it was intended to be a process, not a hit list. Attorney Rees stated he thought there is a rallying cry about this that people think it takes away the due process, but actually it would give you a due process. Joseph Martin advised that this is not mandatory, but it will be there in case it is needed. It will be put back on the agenda for further discussion.

15. Adjournment.

Motion made by Bruce Pecore to adjourn. Second was by Bryan "Sid" Lepscier. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Meeting adjourned at 5:23 p.m.

Respectfully submitted by,

*Ronnann Guzman, Recorder/Transcriber
Recording Clerk – Chairman's Office*

ITEM #25



MEMORANDUM

To: Menominee Tribal Legislature
From: Joshua Rees, Assistant Tribal Attorney
Date: August 9, 2012
Re: First Consideration of Ordinance 12-___ "Amendment to Chapter 132 Law Enforcement"

Please find attached for your review, for first consideration, a clean copy of the Amendment Chapter 132 "Law Enforcement," as well as a redlined version. These changes were presented to the ERP committee by Prosecutor Joe Martin. The ERP committee approved the changes and sent them forward to MTL for their approval.

The substantive changes are highlighted as follows:

- The request for extradition would be made to the Prosecutor.
- Upon Prosecutors finding that it was filed properly he/she would request Tribal Court to issue a warrant.
- If you are present on the reservation it is presumed that you are using it as a haven from prosecution
- Clarifies that a person can be extradited for escaping confinement, jumping bail, and/or probation parole violations.
- The Burden of Proof of Indian Status section was removed as it was argued that it has no application to the ordinance.
- The Search Warrants section was removed as it was not necessary due to *Nevada v. Hicks*.

If you have any further questions or concerns regarding the proposed amendments to Chapter 132 "Law Enforcement," please do not hesitate to contact me.



**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
ORDINANCE No. 12-44
AMENDMENT TO CODE CHAPTER 132
LAW ENFORCEMENT**

FIRST CONSIDERATION

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance No. 12-44 "Amendment to, Code Chapter 132, Law Enforcement" is hereby enacted. Ordinance 12-44 shall hereby amend the Code of the Menominee Indian Tribe of Wisconsin Chapter 132, Law Enforcement, in part, pursuant to the following attachment attached hereto and incorporated herein as if fully reproduced here.

CERTIFICATION

We, the undersigned of the Menominee Tribal Legislature, do hereby certify that the foregoing Amendment to Tribal Ordinance No. 12-44 "Amendment to Code Chapter 132, Law Enforcement" was _____ for first reading and sent to public hearing at a regular meeting of the Menominee Tribal Legislature held on August 16, 2012, at which a quorum was present, by a vote of ____for, ____ opposed, ____ abstentions, and ____ absent. The undersigned also certify that the foregoing Ordinance has been posted in accordance with the Menominee Constitution and Bylaws.

**CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**

**ORMAN WAUKAU, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE: August 16, 2012

ARTICLE II

Extradition

[Adopted 9-18-1981 by Ord. No. 81-22; amended in its entirety 5-17-2007]

§ 132-4. Purpose.

The purpose of this article is to provide a mechanism whereby the Tribe or any outside jurisdiction can have returned to the jurisdiction of each respective sovereign persons who have been charged with violation of its criminal laws and who have fled. Further, this article shall provide a mechanism for Tribal Law Enforcement officers to temporarily detain a person subject to a felony warrant from another jurisdiction prior to formal commencement of extradition proceedings.

§ 132-5. Repealer.

Upon enactment of this article, Section 11.95 ME of Menominee Nation Ordinance 79-14 is repealed.¹

§ 132-6. Form of demand and warrant for arrest.

- A. Whenever any person authorized by state law to request extradition presents a written complaint based upon affidavit to the Tribal Prosecutor alleging that a person on this Reservation was present in the demanding jurisdiction at the time of commission of the alleged crime and that thereafter the accused fled to the Reservation as a haven from prosecution, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his or her bail, probation, extended supervision or parole, attaching to said complaints a certified copy of an indictment or information and an arrest warrant, , which shall include a citation to the authority of the demanding jurisdiction's officer to request extradition,, the Tribal Prosecutor shall, upon a finding of good complaint and proper affidavit, move the Tribal Court to issue a warrant directed to any peace officer commanding the officer to apprehend the person named therein, wherever the person may be found on this Reservation, and to bring the person before the same or any other Tribal Court Judge who may be available in or convenient of access to the place where the arrest may be made to answer the complaint, and a certified copy of the sworn complaint and affidavit upon which the warrant is issued shall be attached to the warrant. Subject to any Tribal and/or Federal law, mere presence within the exterior boundaries of the Reservation shall constitute a rebuttable presumption of using the Reservation as a haven from prosecution.
- B. Any Tribal Law Enforcement officer who, in the course of his or her duties, comes into contact with a person who is subject to a valid outstanding felony arrest warrant issued by any state court is authorized to detain said person. Immediately upon detaining said person, Tribal Law Enforcement shall notify the jurisdiction that issued the felony arrest warrant of such detention and determine whether said jurisdiction intends to pursue extradition of such person pursuant to Subsection A. If the requesting jurisdiction states its intent to pursue extradition, the issuing jurisdiction's warrant will be given full faith and credit and be treated in the same manner as a tribal arrest warrant for a period of 48 hours, excluding

¹. Editor's Note: See Ch. 120, Judiciary and Law and Order Code, § 120-50.

holidays and weekends. If, after 48 hours, excluding holidays and weekends, the issuing jurisdiction has not obtained a tribal arrest warrant pursuant to Subsection A of this section, the issuing jurisdiction's warrant will no longer be given full faith and credit and the person shall be released. If the issuing jurisdiction states that it does not intend to pursue extradition, the person shall be released, unless subject to detention pursuant to tribal law.

§ 132-7. Hearing.

If from the examination before the Tribal Court it appears that the person held is the person charged with having committed the crime alleged and that person held has fled from justice and is using the Menominee Reservation as a haven from prosecution, or that the person held has been convicted of a crime and has escaped confinement, or has broken the terms of his or her bail, probation, extended supervision or parole, the Tribal Court shall inform the person of the demand made for his or her surrender and that the person has the right to obtain legal counsel at his or her expense, and if the person desires to test the legality of his or her arrest, the Judge of the Tribal Court shall fix a reasonable time to be allowed the person within which to commence an action for habeas corpus. When such action is commenced, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the Tribe and to the agent of the demanding jurisdiction.

§ 132-8. Confinement in jail.

Pending the hearing for habeas corpus stated above, or pending the arrival of the authorized agent of the demanding jurisdiction, the Tribal Court shall confine the person to tribal jail. The cost of keeping said prisoner shall be borne by the demanding jurisdiction.

§ 132-9. Delivery of criminals.

If after the time allowed or commencement of habeas corpus petition pursuant to § 132-7 has run and the person has not commenced such an action, or if after the hearing on the habeas corpus petition, the Tribal Court finds that the arrest was lawful, or after the person waives their right to a hearing pursuant to § 132-10 of this article, the keeper of the tribal jail shall turn over said prisoner to the authorized officer of the demanding jurisdiction.

§ 132-10. Written waiver of extradition proceedings.

Any person arrested on the Reservation pursuant to this article may waive all rights to hearings under this article and voluntarily consent to return the demanding jurisdiction by executing or subscribing in the presence of a Judge of the Tribal Court a writing which states that the person consents to return to the demanding jurisdiction. Before such waiver shall be executed, the Judge shall inform the person of the grounds for his or her arrest and his or her right to a hearing pursuant to § 132-7 of this article.

§ 132-11. Prosecution instituted by Tribe.

If a criminal prosecution has been instituted against such person under the laws of the Tribe and is still pending, the Tribal Judge in his or her discretion may surrender the person on the demand of the executive authority of another jurisdiction or may hold the person until the person has been tried and discharged or convicted and punished by the Tribe.

§ 132-12. Fugitives from Reservation.

The Menominee Tribal Prosecutor is authorized to seek the return to this Reservation of any person charged with a crime on the Reservation or a person convicted of a crime on this Reservation who has escaped confinement or broken terms of his or her bail, probation, extended supervision or parole and who has fled the Reservation to avoid prosecution. The Menominee Tribal Chief of Police or his or her authorized agent shall have the authority to receive from any jurisdiction any person whose extradition to the Menominee Tribe has been authorized by said jurisdiction.

ARTICLE II

Extradition

[Adopted 9-18-1981 by Ord. No. 81-22; amended in its entirety 5-17-2007]

§ 132-4. Purpose.

The purpose of this article is to provide a mechanism whereby the ~~State of Wisconsin-Tribe~~ or any ~~other state and the Tribe outside jurisdiction~~ can have returned to the jurisdiction of each respective sovereign persons who have been charged with violation of its criminal laws and who have fled. Further, this article shall provide a mechanism for ~~tribal law enforcement~~ Tribal Law Enforcement officers to temporarily detain a person subject to a felony warrant from another jurisdiction prior to formal commencement of extradition proceedings.

§ 132-5. Repealer.

Upon enactment of this article, Section 11.95 ME of Menominee Nation Ordinance 79-14 is repealed.¹

§ 132-6. Form of demand and warrant for arrest.

- A. Whenever any person authorized by state law to request extradition presents a written complaint based upon affidavit to ~~any Judge of this Tribe~~ the Tribal Prosecutor alleging that a person on this Reservation was present in the demanding ~~state~~ jurisdiction at the time of commission of the alleged crime and that thereafter the accused fled to the Reservation as a haven from prosecution, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his or her bail, probation, extended supervision or parole, attaching to said complaints a certified copy of an indictment or information and an arrest warrant, ~~the Tribal Court Judge shall, which shall include a citation to the authority of the demanding jurisdiction's officer to request extradition., the Tribal Prosecutor shall, upon a finding of good complaint and proper affidavit, move the Tribal Court to~~ issue a warrant directed to any peace officer commanding the officer to apprehend the person named therein, wherever the person may be found on this Reservation, and to bring the person before the same or any other Tribal Court Judge who may be available in or convenient of access to the place where the arrest may be made to answer the complaint, and a certified copy of the sworn complaint and affidavit upon which the warrant is issued shall be attached to the warrant. Subject to any Tribal and/or Federal law, mere presence within the exterior boundaries of the Reservation shall constitute a rebuttable presumption of using the Reservation as a haven from prosecution.
- B. Any ~~tribal law enforcement~~ Tribal Law Enforcement officer who, in the course of his or her duties, comes into contact with a person who is subject to a valid outstanding felony arrest warrant issued by any state court is authorized to detain said person. Immediately upon detaining said person, ~~the tribal law enforcement officer~~ Tribal Law Enforcement shall notify the jurisdiction that issued the felony arrest warrant of such detention and determine whether said jurisdiction intends to pursue extradition of such person pursuant to Subsection A. If the requesting jurisdiction states its intent to pursue extradition, the issuing jurisdiction's warrant will be given full faith and credit and be treated in the same

¹. Editor's Note: See Ch. 120, Judiciary and Law and Order Code, § 120-50.

manner as a tribal arrest warrant for a period of 48 hours, excluding holidays and weekends. If, after 48 hours, excluding holidays and weekends, the issuing jurisdiction has not obtained a tribal arrest warrant pursuant to Subsection A of this section, the issuing jurisdiction's warrant will no longer be given full faith and credit and the person shall be released. If the issuing jurisdiction states that it does not intend to pursue extradition, the person shall be released, unless subject to detention pursuant to tribal law.

§ 132-7. Hearing.

If from the examination before the ~~Judge~~Tribal Court it appears that the person held is the person charged with having committed the crime alleged and that person held has fled from justice and is using the Menominee Reservation as a haven from prosecution, ~~the Judge or that the person held has been convicted of a crime and has escaped confinement, or has broken the terms of his or her bail, probation, extended supervision or parole,~~ the Tribal Court shall inform the person of the demand made for his or her surrender and that the person has the right to obtain legal counsel at his or her expense, and if the person desires to test the legality of his or her arrest, the Judge of the Tribal Court shall fix a reasonable time to be allowed the person within which to commence an action for habeas corpus. When such action is commenced, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the Tribe and to the agent of the demanding ~~state~~jurisdiction.

§ 132-8. Confinement in jail.

Pending the hearing for habeas corpus stated above, or pending the arrival of the authorized agent of the demanding ~~state~~jurisdiction, the ~~Judge~~Tribal Court shall confine the person to tribal jail. The cost of keeping said prisoner shall be borne by the demanding ~~state~~jurisdiction.

§ 132-9. Delivery of criminals.

If after the time allowed or commencement of habeas corpus petition pursuant to § 132-7 has run and the person has not commenced such an action, or if after the hearing on the habeas corpus petition, the ~~Judge~~Tribal Court finds that the arrest was lawful, or after the person waives their right to a hearing pursuant to § 132-10 of this article, the keeper of the tribal jail shall turn over said prisoner to the authorized officer of the demanding ~~state~~jurisdiction.

§ 132-10. Written waiver of extradition proceedings.

Any person arrested on the Reservation pursuant to this article may waive all rights to hearings under this article and voluntarily consent to return the demanding ~~state~~jurisdiction by executing or subscribing in the presence of a Judge of the Tribal Court a writing which states that the person consents to return to the demanding ~~state~~jurisdiction. Before such waiver shall be executed, the Judge shall inform the person of the grounds for his or her arrest and his or her right to a hearing pursuant to § 132-7 of this article.

§ 132-11. Prosecution instituted by Tribe.

If a criminal prosecution has been instituted against such person under the laws of the Tribe and is still pending, the Tribal Judge in his or her discretion may surrender the person on the demand of the executive authority of another ~~state~~jurisdiction or may hold the person until the person has been tried and discharged or convicted and punished by the Tribe.

§ 132-12. Fugitives from Reservation.

The Menominee Tribal Prosecutor is authorized to seek the return to this Reservation of any person charged with a crime on the Reservation or a person convicted of a crime on this Reservation who has escaped confinement or broken terms of his or her bail, probation, extended supervision or parole and who has fled the Reservation to avoid prosecution. The Menominee Tribal Chief of Police or his or her authorized agent shall have the authority to receive from any ~~state~~jurisdiction any person whose extradition to the Menominee Tribe has been authorized by said ~~state~~.

~~§ 132-13. Burden of proof of Indian status.~~

~~Any person subject to extradition under this article, as amended, who claims to be Indian shall have the burden of proof for the validity of such claim by presenting evidence in written form when such claim is made that he or she is "Indian" as that term is defined for criminal jurisdiction purposes pursuant to federal law.~~

~~§ 132-14. Search warrants.~~

~~Any search warrant issued by a Circuit Court in the State of Wisconsin authorizing a search within the Menominee Indian Reservation presented to a Judge of the Menominee Tribal Court shall be treated as an order of the Menominee Tribal Court if the Judge finds the following:~~

- ~~A. The underlying criminal action to which the warrant relates took place outside the boundaries of the Menominee Indian Reservation; and~~
- ~~B. The owner or occupant of the premises or property to be searched is suspected of being involved in the commission of the underlying crime related to the search warrant.~~

jurisdiction.

Formatted: Justified

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 – 4:00 PM
TRIBAL OFFICE BOARDROOM**

ACTION

Motion made by Bruce Pecore to approve the Extradition document without deletions and send to the Legislature for approval. Second was by Joshua Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 1 abstention (Miller) and 2 absent (Besaw and Mahkimetas.

Motion made by Walter Cox to move the Draft Timber Trespass Ordinance to the Legislature for approval. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).



MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 910
Keshena, WI 54135-0910

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 - 4:00 P.M.
TRIBAL OFFICE BOARDROOM**

AGENDA

1. Call to Order & Roll Call: Chairman Gary Besaw, Bruce Pecore, Bryan "Sid" Lepscier, Joseph Martin, Walter Cox, Lynnette Miller, Nolan Mahkimetas, Joshua Pyatskowit and Douglas Cox.
2. Moment of Silence.
3. Approval of Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012.
4. Fireworks - Public Hearing Concerns: Discussion/Recommendations.
5. Draft Ordinance 12-__ Parking Regulations: Discussion/ Recommendations.
6. Extradition – Update from Prosecutor's Office: Discussion/Recommendations.
7. Zoning Regulations – Update from Community Development Committee meeting: Discussion/ Recommendations.
8. Amendment to Ordinance 81-08 Firewood: Discussion/Recommendations.
9. Draft Timber Trespass Ordinance: Discussion/ Recommendations.
10. Chapter 321 – Amendments to Firearms Ordinance Regarding Carrying Concealed Weapons Law: Discussion/Recommendations.
11. Motor Vehicle Code - Update from Legal: Discussion/Recommendations.
12. Monthly Narratives.
13. Community Meetings Concerns.
14. Other Business.
15. Adjournment.

Gary Besaw / rg

Gary Besaw, Chairman
Enforcement & Resource Protection Committee

cc: Chairman Gary Besaw, Bruce Pecore, Bryan "Sid" Lepscier, Joseph Martin, Walter Cox, Lynnette Miller, Nolan Mahkimetas, Joshua Pyatskowit, Douglas Cox, vacant (HS), Tribal Administrator's Office and IT

**RESCHEDULED REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
JULY 25, 2012 – 4:00 PM
TRIBAL OFFICE BOARDROOM**

1. Call to Order and Roll Call.

Vice-Chairman Douglas Cox called the meeting to order at 4:00 p.m. Roll call was taken with a quorum present. **MEMBERS PRESENT:** Douglas Cox, Joshua Pyatskowit, Walter Cox, Lynnette Miller, Joseph Martin, Chairman Craig Corn (present for quorum purpose), Bryan “Sid” Lepscier (late) and Bruce Pecore (late). **MEMBERS ABSENT:** Gary Besaw (excused) and Nolan Mahkimetas (unexcused). **ALSO PRESENT:** Attorney Joshua Rees, Diana Taubel (Licensing & Permits), Robin Perez (Housing), George Korn and Ronnann Guzman (Recorder).

2. Moment of Silence.

A moment of silence was observed.

3. Approval of Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012.

Motion made by Walter Cox to approve the Regular Meeting Minutes dated June 20, 2012 and the Town Hall Meeting Minutes dated June 25, 2012 with corrections. Second was by Craig Corn. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 2 abstentions (Martin and Miller) and 4 absent (Besaw, Lepscier, Mahkimetas and Pecore).

One correction was noted, change “site” to “cite” on #8, 2nd paragraph.

4. Fireworks – Public Hearing Concerns.

*Note – Bryan “Sid” Lepscier entered the meeting at 4:10 p.m., Craig Corn was excused.

The committee was not sure where this agenda item stands at the moment because it did go for public comment and apparently it was sent back to the ERP committee. The committee did not receive a formal motion. Douglas Cox stated he was not comfortable moving forward without being clear on this; the committee agreed.

Motion made by Lynnette Miller to table Fireworks until the committee receives special direction. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Pecore).

5. Draft Ordinance 12-__ Parking Regulations.

This item was already sent to the Legislature for approval. The recorder apologized for not removing it from the agenda.

6. Extradition – Update from Prosecutor’s Office.

*Note – Bruce Pecore entered the meeting at 4:18 p.m.

Joseph Martin gave a verbal update and also handed out 2 revised documents of sections to the Extradition Ordinance. One document was with changes and the other was without deletions.

Motion made by Bruce Pecore to approve the Extradition document without deletions and send to the Legislature for approval. Second was by Joshua Pyatskowitz. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 1 abstention (Miller) and 2 absent (Besaw and Mahkimetas).

*Lynnette Miller qualified her abstention as she would have like the information in the packet so she would have had time to review it.

7. Zoning Regulations – Update from Community Development Committee meeting.

Douglas Cox gave an update on the verbal presentation that he did at the Community Development meeting. He stated the Community Development Committee will be working with Wayne Wilber specifically on the Zoning permitting process.

8. Amendment to Ordinance 81-08 Firewood.

Attorney Rees did a fact sheet for the committee for their review. Douglas Cox advised that the committee should move forward with a public meeting for questions from tribal members. Committee also discussed who would be issuing the permits, the Conservation Department or Licensing and Permits. This could be a question for the public meeting for suggestions. Bruce Pecore also suggested doing a 2 or 3 year permit.

Attorney Rees asked the committee about an effective date, it will have to be changed in the ordinance as well.

Lynnette Miller suggested that the public hearing should be advertised for a good 30 days because this will affect a lot of people around here. The committee agreed that it should be advertised in the tribal news as well as the tribal website.

Motion made by Bruce Pecore to schedule a public meeting on Monday August 27, 2012 at 5:00 p.m. regarding Ordinance 81-08 Firewood at a location to be determined. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Robin Perez requested the information be sent to her so Housing can do a mailing to all of their tenants.

9. Draft Timber Trespass Ordinance.

*Note – Lynnette Miller stepped out of the meeting at 4:53 p.m.

The committee did the final review on this Ordinance and agreed that this is ready to go to the Legislature for approval.

Motion made by Walter Cox to move the Draft Timber Trespass Ordinance to the Legislature for approval. Second was by Joseph Martin. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).

10. Chapter 321 – Amendments to Firearms Ordinance Regarding Carrying Concealed Weapons Law.

Douglas Cox stated that the committee is waiting for the Prosecutor to submit requested materials.

Motion made by Bruce Pecore to table agenda item #10. Second was by Joshua Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 3 absent (Besaw, Mahkimetas and Miller).

*Note – Lynnette Miller returned to the meeting at 4:58 p.m.

11. Motor Vehicle Code – Update from Legal.

Attorney Rees advised the committee that the legal opinion drafted by the previous attorney had been neither accepted nor rejected so the Legislature had to do that first and then release it to the ERP committee. He also stated this should be discussed in executive session at the next ERP meeting. The committee agreed.

12. Monthly Narratives.

Licensing & Permits

The committee had no questions on this report.

Conservation

Douglas Cox asked Walter Cox if the motion regarding the Biologist position go in along with the budget as a recommendation. Walter Cox advised him yes and it will go to the Budget & Finance committee the next day.

Environmental Services

Douglas Cox asked Joshua Pyatskowitz if there had been an inspection done at the War Bonnet yet. Mr. Pyatskowitz advised him there was one done in March.

Tax Commissioner

The committee had no questions on this report.

There were no monthly narrative reports submitted from the following:

Law Enforcement
Probation & Parole
Prosecutor
Gaming – submits every other month

Motion made by Joseph Martin to approve the monthly narratives. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Bruce Pecore informed Joseph Martin that the committee really needs the monthly narrative from his office. Mr. Martin advised the committee that his office has a really outdated system. Mr. Pecore asked him if there was a way to do an excel format so we will at least have something because this is a big issue with a lot of questions to be answered. Mr. Pecore advised that we have been requesting and waiting on these for a long time. Mr. Martin stated he had talked to the previously Chief about getting electronic information sent to them to start with but that never happened. He also advised he will look into what he can do.

13. Community Meeting Concerns.

Douglas Cox stated he did not see anything referred to this committee from the minutes.

14. Other Business.

Large Boats on Legend Lake

Chief Lepscier advised the committee that the LLA advised him that they are having problems with large boats on Legend Lake. There were some (county) board members that are looking at drafting an ordinance regarding weight limits with these large boats. They asked that the tribe draft an ordinance as well. Douglas Cox stated he thought the tribes boating ordinance was coming back to the ERP committee so it will be a perfect opportunity to look at this.

Exclusion and Removal

Douglas Cox suggested this be put back on the agenda because the town hall meeting was held and he thought the intent of Exclusion and Removal was to develop a process that supported the constitutional ability now of the Legislature to remove people, it was intended to be a process, not a hit list. Attorney Rees stated he thought there is a rallying cry about this that people think it takes away the due process, but actually it would give you a due process. Joseph Martin advised that this is not mandatory, but it will be there in case it is needed. It will be put back on the agenda for further discussion.

15. Adjournment.

Motion made by Bruce Pecore to adjourn. Second was by Bryan "Sid" Lepscier. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Besaw and Mahkimetas).

Meeting adjourned at 5:23 p.m.

Respectfully submitted by,

*Ronnann Guzman, Recorder/Transcriber
Recording Clerk – Chairman's Office*

ITEM #26



MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
AMENDMENT TO ORDINANCE NO. 11-27
FISCAL YEAR 2012 RESTRICTED-USE BUDGET

FINAL APPROVAL

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

- 1. PURPOSE.** This amendment adds supplemental appropriations of \$10,000 to the Fiscal Year 2012 Restricted-Use Budget by the donation of funds from the Wolf River Development Company to the Delores K. Boyd Head Start. This amendment increases the Restricted-Use Budget from \$1,136,144 to \$1,146,144.
- 2. AMENDMENT.** The tabular summary of anticipated fund revenues and expenditures, entitled Exhibit "A", which was attached to and made a part of Menominee Tribal Ordinance No. 11-27, entitled "Fiscal Year 2012 Restricted Use Budget", is hereby replaced in its entirety with the attached revision. All other terms, conditions, and provisions of Ordinance No. 11-27 are unchanged and unaffected by this amendment.
- 3. EFFECTIVE DATE.** This amendment shall become effective immediately upon final approval by the Menominee Tribal Legislature.

CERTIFICATION

The undersigned officers of the Menominee Tribal Legislature do hereby certify that the foregoing amendment to Ordinance No. 11-27 was duly _____ at a regular meeting of the Menominee Tribal Legislature held on **August 16, 2012**, by a vote of ____ for, ____ opposed, ____ abstentions, and ____ absent.

The undersigned also certify that the above amended Ordinance has been posted in accordance with the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin.

August 16, 2012
Date

CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN

ORMAN WAUKAU JR., SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN

EXHIBIT "A"
Menominee Indian Tribe of Wisconsin
FY2012 Restricted Use Budget
(Rev. 24 July 2012)

REVENUE						
No.	Branch/Department/Program/Activity	FY2011 Revenue	FY2012 Revenue 28 Sep 11	Amend. #1 Inc./Dec.) 24 July 12	FY2012 Revised Budget	Justification/Comments/ Recommendations
1	Judgement Funds					
2	▪Education	\$ 183,320	\$ 198,098	\$ -	\$ 198,098	
3	▪Burial	91,515	100,142	-	100,142	
4	▪Healthcare	94,934	106,312	-	106,312	
5	▪Alternative & Additional Projects	97,215	-	-	-	
6	▪Courthouse Expansion	26,937	-	-	-	
7	▪Utilities Capital Improvement	182,958	182,558	-	182,558	
8	Compact Credits					
9	▪Education	200,000	-	-	-	Will receive if Gaming exceeds \$40 Million net win.
10	▪County Interlocal	100,000	100,000	-	100,000	
11	▪Communitywide Services (Utilities/Transit)	200,000	200,000	-	200,000	
12	Trani Estate Funds	210,610	210,610	-	210,610	
SELECTED TOTALS ➡		\$ 1,387,489	\$ 1,097,720	\$ -	\$ 1,097,720	
SUPPLEMENTAL REVENUES						
1	Casino Found Monies (FY10 & FY11)	13,394	38,424	-	38,424	
2	Wolf River Development Company	-	-	10,000	10,000	
SELECTED TOTALS ➡		\$ 13,394	\$ 38,424	\$ 10,000	\$ 48,424	
COMBINED TOTALS ➡						
		\$ 1,400,883	\$ 1,136,144	\$ 10,000	\$ 1,146,144	

EXHIBIT "A"
Menominee Indian Tribe of Wisconsin
FY2012 Restricted Use Budget
(Rev. 24 July 2012)

EXPENSE

No.	Branch/Department/Program/Activity	FY2011 Revised Budget	FY2012 Initial Budget 28 Sep 11	Amend. #1 Inc./(Dec.) 24 July 12	FY2012 Revised Budget	Justification/Comments/ Recommendations
1	Act 161	\$ 100,000	\$ 100,000	-	\$ 100,000	County Interlocal Compact Credits; \$50,000 out of Tribal Budget
2	Aging - CBRF	94,934	106,312		106,312	Healthcare Judgment Funds
3	Burial Assistance	91,515	100,142		100,142	Burial Judgment Funds
4	Courthouse Maintenance	26,937	-		-	Courthouse Expansion Judgment Funds
5	Education Supplement (Grants)	183,320	198,098		198,098	Education Judgment Funds
6	Elderly Activities	6,697	9,606		9,606	Casino Found Monies (FY10 & FY11); distribution of funds by Budget & Finance Committee
7	Headstart - Supplement	310,610	210,610	10,000	220,610	Trani Estate Funds; Amd #1 adds funds from WRDC.
8	OTG - Found Monies	-	9,606		9,606	Casino Found Monies (FY10 & FY11); distribution of funds by Menominee Tribal Legislature
9	Recreation - Center Activities	97,215	-		-	Alternative & Additional Projects Judgment Funds
10	Social Services Emergency/Catastrophic	-	9,606		9,606	Casino Found Monies (FY10 & FY11)
11	Transportation	200,000	200,000		200,000	Communitywide Services Compact Credits
12	Tribal School	100,000	-		-	Education Compact Credits (unavailable in FY12)
13	Utilities	182,958	182,558		182,558	Utilities Capital Improvements Judgment Funds
14	Youth Activities	6,697	9,606		9,606	Casino Found Monies (FY10 & FY11); distribution of funds by Budget & Finance Committee
SELECTED TOTALS ➡		\$ 1,400,883	\$ 1,136,144	\$ 10,000	\$ 1,146,144	

ITEM #27

**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
AMENDMENT TO ORDINANCE NO. 11-30**

FINAL APPROVAL:

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Pursuant to the Menominee Constitution, Article X, Section 2(b) and 25 CFR 131.5(a) the following leases of Tribal land are hereby cancelled:

CANCELING RECREATIONAL LEASE REQUEST

11-30

Justin Lepscier
(U00005688)
(vol. rel.)

Lot 22 Rainbow Ponds Addition to
Legend Lake, Section 15, Township 28
North, Range 16 East, 4th Principal
Meridian, Menominee County, Wisconsin,
containing 0.561 acres more or less.

CERTIFICATION

The undersigned officers of the Menominee Tribal Legislature hereby certify that at a meeting of the Legislature on _____, 2012, at which a quorum was present, the above Ordinance No. was duly adopted by a vote of ____ for, ____ opposed, ____ abstentions and ____ absent.

The undersigned also certify that the above Ordinance has been posted in accordance with the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin.

**CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**

**ORMAN WAUKAU, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE:

ITEM #28

**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
ORDINANCE NO. 12-22**

FINAL APPROVAL:

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Pursuant to the Menominee Constitution, Article X, Section 2(b) and 25 CFR 131.5(a) the following leases of Tribal land are hereby authorized:

RECREATIONAL LEASE REQUEST

(SEE ATTACHED)

CERTIFICATION

The undersigned officers of the Menominee Tribal Legislature hereby certify that at a meeting of the Legislature on _____, 2012, at which a quorum was present, the above Ordinance No. was duly adopted by a vote of _____ for, _____ opposed, _____ abstentions and _____ absent.

The undersigned also certify that the above Ordinance has been posted in accordance with the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin.

**CRAIG CORN, CHAIRMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**

**ORMAN WAUKAU, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE:

FINAL APPROVAL: ORDINANCE 12-22

RECREATIONAL LEASE REQUESTS

Justin Lepscier
(U00005688)

Lot 30 Mallard Bay Addition to Legend Lake, Section 15, Township 28 North, Range 16 East, 4th Principal Meridian, Menominee County, Wisconsin, containing 0.493 acres more or less.

Caroline Rooney
(B0000459)

Lot 33 Rainbow Ponds Addition to Legend Lake, Section 15, Township 28 North, Range 16 East, 4th Principal Meridian, Menominee County, Wisconsin, containing 0.509 acres more or less.

Rosemary Rockcastle
(B0000154)

Lot 78 Sun Rise Addition to Legend Lake, Section 23, Township 28 North, Range 16 East, 4th Principal Meridian, Menominee County, Wisconsin, containing 0.510 acres more or less.

